

**RULE NO.: R161-14.21**

**POSTING DATE: July 8, 2014**

## **NOTICE OF PROPOSED RULE**

The Director of Watershed Protection Department proposes to adopt the following rule after August 9, 2014.

Comments on the proposed rule are requested from the public. Comments should be submitted to Dana McGehee, 505 Barton Springs Road, Suite 1200, Austin Texas, 78704, 974-2634, or via email at [dana.mcgehee@austintexas.gov](mailto:dana.mcgehee@austintexas.gov). To be considered, comments must be submitted before August 9, 2014, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

## **EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before August 9, 2014 (the 32nd day after the date of this notice) or not after October 6, 2014 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before October 6, 2014, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

## **TEXT OF PROPOSED RULE**

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

## **BRIEF EXPLANATION OF PROPOSED RULE**

R161-14.21: Additions and revisions to the Environmental Criteria Manual Sections 1.2, 1.8, 1.9, and 6 as follows:

### **Environmental Criteria Manual Section 1.2.0 – Administrative**

- **1.2.3 Interbasin Diversion**
  - Provides guidance on how to comply with Section 25-8-365 of the Land Development Code which allows a development to divert stormwater from one watershed to another watershed under limited circumstances.

### **Environmental Criteria Manual Section 1.8.0 – Impervious Cover Calculation Criteria**

- **1.8.1 Calculations**
  - Revised language to reflect changes made to the Land Development Code by the Watershed Protection Ordinance, including the a definition of impervious cover, updated impervious cover exemptions, removal of the perimeter roadway deduction, and new commercial impervious cover requirements.
  - Added impervious cover calculation clarifications from past interpretations.
- **1.8.2 Construction on Slopes**
  - Clarified language for construction of a roadway of driveway to be consistent with Section 25-8-301 of the Land Development Code.
  - Revised language to allow for the approval of adapted vegetation in the restoration of disturbed hillside areas to accommodate unique site conditions.

### **Environmental Criteria Manual Section 1.9.0 – Need for Water Quality Controls**

- **1.9.1 General Requirements**
  - Reorganized the introduction to improve clarity, remove old references, and reflect changes made to the Land Development Code by the Watershed Protection Ordinance, including an 8,000 square foot threshold for water quality controls outside of the Barton Springs Zone and exemptions for minor roadway improvements.
- **1.9.2 Requirements for Water Quality Controls In The Uplands Zone**
  - Updated references to the 8,000 square foot threshold for water quality controls outside of the Barton Springs Zone.
- **1.9.3 Requirements for Water Quality Controls in Stream Buffers**
  - Updated citations and added references to the new Section 1.5.0 (Stream Buffers) of the ECM

- **1.9.4 Special Situations**
  - Updated citations and department references.

**Environmental Criteria Manual Section 6 – Endangered Species**

- Deleted in its entirety to reflect changes made to the Land Development Code by the Watershed Protection Ordinance.

**AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality control standards is established in Chapter 25-8 of the City Code.

## **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule R161-14.21, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

## **REVIEW AND APPROVED**

\_\_\_\_\_  
Victoria J. Li, P.E., Director  
Watershed Protection Department

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen Kennard  
City Attorney

Date: \_\_\_\_\_

This Notice of Proposed Rule was posted on a central bulletin board at City Hall by the City Clerk. Date and time stamp is on the front of the notice.